

In The Court Of Appeal Of The State Of California

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Sixth Appellate District

San Jose, California

TUESDAY, JANUARY 17, 2006

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Elia, Acting P.J.; Mihara, J.; McAdams, J.; and W. Magsaysay and K. Bynum, Deputy Clerks.

H028119 Marriage of NADASDY

Cause called and argued by Stephen Nadasdy appearing in propria persona and by Mary Dahlberg, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H028334 In re STEPHEN WAYNE SAMBLE on Habeas Corpus

Cause called and argued by Jane Malich, Deputy Attorney General, appearing for Appellant and by Jonathan Grossman appearing for Respondent. Cause ordered submitted.

H028326 PEOPLE v. GUZMAN

Cause called and argued by Daniel Barton appearing for Appellant and by Bridget Billeter, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Court adjourns.

H028431 CALTRON PUBLICATIONS, INC., et al. v. WILKENS

The order filed December 8, 2004, is affirmed. (not published)  
(Premo, J.; We concur: Rushing, P.J., Bamattre-Manoukian, J.)  
Filed January 17, 2006

H028146 YIELD DYNAMICS, INC. v. TERRENCE E. ZAVECZ; DONNA J. ZAVECZ

(Filed order modifying opinion.) There is no change in the judgment. Appellant's motion to consider evidence is denied. Appellant's petition for rehearing is denied. (not published)  
(McAdams, J.; Mihara, Acting P.J.; Duffy, J.)  
Filed January 17, 2006

H027093 SAFECO INSURANCE COMPANY OF ILLINOIS v. ARCHITECTURAL FACADES UNLIMITED, INC., et al.

By the Court\*:

Appellant's petition for rehearing is denied.  
Filed: January 17, 2006

\*Before Rushing, P.J., Premo, J. and Elia, J.

The following case is submitted this date:

H028153 RAMSAY HIGHLANDER, INC. v. FRESH EXPRESS, INC., et al.

Sixth Appellate District

San Jose, California

Tuesday, January 17, 2006 (continued)

H028304 RAFT, as Trustee v. CALIFORNIA FEDERAL BANK, et al.

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Elia, Acting P.J., McAdams, J.)  
Filed January 17, 2006

WEDNESDAY, JANUARY 18, 2006

The following cases are ordered submitted this date:

H028074 LIN, et al. v. SHAO

H029117 In re WILLIAM B., et al.; D.F.C.S. v. GLORIA B.

H028820 In re CEASER R., et al.; D.F.C.S v. JULIE N.

H027648 PEOPLE v. JOHNSON

The judgment is reversed and remanded solely for resentencing. The trial court is directed to (1) stay pursuant to Penal Code section 654 the concurrent terms imposed for the burglary and aggravated assault counts, (2) strike the one-year prison prior term imposed for the term served for case number MCR 6222 and (3) calculate and award defendant the appropriate amount of pre-sentence custody credit. The trial court shall prepare a new abstract of judgment and forward a certified copy of the abstract to the Department of Corrections. (not published)  
(Mihara, J.; We concur: Elia, Acting P.J., McAdams, J.)  
Filed January 18, 2006

THURSDAY, JANUARY 19, 2006

The following case is submitted this date:

H027943 DAVIS v. STEINER

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Mihara, J.; McAdams, J.; and Beth Miller, Deputy Clerk.

H028124 WEINSTEIN, et al. v. CALIFORNIA DEPARTMENT OF TRANSPORTATION

Cause called with Jason A. Pollack appearing for Appellants. No appearance made on behalf of Respondent. Cause ordered submitted without oral argument.

H028604 CHOU CHIN INDUSTRIAL CO., LTD., et al. v. WAVEPLUS TECHNOLOGY, LTD., et al.

Cause called and argued by Peter Oscar Huang appearing for Appellants and by Jay W. Fowler appearing for Respondents. Cause ordered submitted.

Rushing, P.J. leaves the bench and Elia, J. takes the bench.

Sixth Appellate District

San Jose, California

Thursday, January 19, 2006 (continued)

H027398 PEOPLE v. SYKES

Cause called and argued by Jeffrey A. Schafer appearing for Appellant and by Moona Nandi, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H028061 KAISER FOUNDATION HEALTH PLAN, INC., et al. v. ROSARION AYON-ALEXANDRE, et al.

Cause called and argued by William Victor Campisi appearing for Appellants and by Mark Palley appearing for Respondents. Cause ordered submitted. Court is adjourned.

FRIDAY, JANUARY 20, 2006

H027335 AUZIOUS, INC. et al., v. MANATT, PHELPS, PHILLIPS, LLP

(Filed order modifying opinion.) There is no change in the judgment. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed January 20, 2006

The following cases are submitted this date:

H028709 WILLEFORD v. SANCHEZ, et al.

H027684 KADAS v. GREENWOOD CHEVROLET, et al.

H028598 PORTEE v. WOODALL

H028135 PEOPLE v. ROBERTS

The judgment is reversed. The trial court is directed to vacate the finding that defendant's 1987 conviction for third degree robbery in New York constitutes a strike and a serious felony under sections 667 and 1170.12. That allegation may be retried. If the allegation is again found true, the trial court shall reinstate the judgment. If it is found not true or is not retried, the court shall resentence defendant. (not published)

(McAdams, J.; We concur: Elia, Acting P.J., Mihara, J.)

Filed January 20, 2006

H028969 PEOPLE v. PEREZ

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Rushing, P.J., McAdams, J.)

Filed January 20, 2006